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TESTIMONY TO THE COMMITTEE ON GENERAL LAW
IN SUPPORT OF HB 5345 AAC HOMEMAKER COMPANION AGENCIES AND
CONSUMER PROTECTION
February 21, 2013

Senator Doyle, Representative Baram, and members of the Committee on General Law, I am Elizabeth Ritter, State Representative from the 38th District. I am here to support HB 5345 AAC HOMEMAKER COMPANION AGENCIES AND CONSUMER PROTECTION.

Thank you very much for hearing this bill proposal. My concern for the need for increased protections for consumers of Homemaker Companion Agencies comes from a specific circumstance involving a constituent of mine and my subsequent research into her case and the regulations surrounding the provisions of these services. I believe you will also find testimony from the attorney who successfully represented her. He gives details of her situation that clearly point out the need for strengthened protections for the consumers of these services. Rather than repeat those circumstances, I will summarize the provisions that I believe clearly need attention.

The issues center around two areas: misrepresentations made regarding her insurance coverage for the services provided by the agency and the quality of the care she received.

Misrepresentations Regarding Insurance

Current law, Section 20-679, contains provisions of the contract between the provider and the client, but there is no clear notice to the client regarding the ability of their insurance policies to cover payment. Insurance coverage is complicated, and it is pretty unreasonable to expect an agency to be fluent in the coverage provided by every possible insurance policy; but the absence of any warnings to that effect also allow the impression to be made that coverage exists. In addition, the contract must provide a statement of its duration. If no such statement is there and there is no mention of a cancellation right, the client may receive services for which they cannot pay and/or may not need. Finally, there is no assurance of the enforceability of the contract if the all the required terms are not included, only that the contract must be signed to be enforceable. **The bill proposal is for a bold faced warning in the contract to the effect that the agency cannot make representations regarding the client's insurance coverage, that there be a clear statement of the client's right to cancel the contract, and that these contracts not be enforceable if they do not comply with all the requirements of the statute.**

Quality of Care

Current law, Section 20-678, requires the agency to do a background check on its employees but does not clearly require the results of those checks be given to the clients. The background checks are only stipulated to be “comprehensive” but are not clearly defined. There is no clear definition of services and levels of care, and does not seem to be requirements around the training and certification of the caregivers. In some cases, a skilled individual (a CNA) can provide the services that could be provided by a non-licensed homemaker-companion – ensuring the higher rate a CNA would command rather than at the lower, more affordable rate of a homemaker-companion. **The bill proposal is that clients receive the results of the required background checks, that the background checks be clearly defined, that services and levels of care be defined by the agency and validated by a third-party care provider, and that the client be only billed for the costs of the services given by the appropriately qualified caregiver.**

I realize this is not a panacea for all potential abuses. In so many cases, like my constituent, these consumers are in very vulnerable positions. They are often alone, homebound and sometimes in and out of the hospital, often in significant pain and discomfort, and in many cases they are relying on others for their own care for the first time. Many are frightened about their future. They deserve better treatment under the law.

Thank you for your attention. I will be happy to answer questions either now or at a later time.